

ORIGINAL

BEFORE THE IDAHO STATE BOARD OF COSMETOLOGY

In the Matter of)
)
SHANNON L. BEHM,)
License No. RC-18116,)
)
Respondent.)
_____)

Case No. COS-L6A-02-96-002

CONSENT ORDER

Information having been received by the Idaho State Board of Cosmetology (hereinafter BOARD) which constitutes sufficient grounds for the initiation of an administrative action is acknowledged by Cosmetologist, Shannon L. Behm (hereinafter RESPONDENT).

WHEREAS the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

I.

1. The Board may regulate the practice of Cosmetology in the State of Idaho in accordance with title 54, chapter 8, Idaho Code, the Idaho Cosmetology Act.

2. Respondent is a licensee of the Idaho State Board of Cosmetology and holds license number RC-18116 to practice cosmetology in the State of Idaho. Respondent's license is and has been in full force and effect at all times pertinent herein. Respondent's license is subject to the provisions of title 54, chapter 8, Idaho Code.

3. On October 20, 1995, Respondent entered a plea of guilty to lewd conduct with a minor under sixteen years, a felony, in violation of Idaho Code § 18-1508 in Case No. H9500607. The Respondent's plea was accepted and on December 22, 1995, a Judgment of Conviction, Order Suspending Execution of Judgment and Order of Probation was entered.

4. Idaho Code § 54-816(8) provides that the Board may suspend or revoke any license for the conviction of a felony.

5. Respondent's felony conviction for lewd conduct with a minor constitutes grounds for the suspension or revocation of Respondent's license to practice cosmetology in the State of Idaho.

II.

I, Shannon L. Behm, by affixing my signature hereto, acknowledge that:

1. I have read and understand the allegations pending before the Board, as stated above in section I. I further understand that these allegations constitute cause for disciplinary action upon my license to practice cosmetology in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses who would testify against me; the right to present evidence in my favor or to call witnesses in my behalf, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of cosmetology in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations against me.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

III.

1. Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and Order upon this stipulation whereby retention of cosmetology license number RC-

18116, issued to Respondent Shannon L. Behm, is hereby conditioned on her immediate and continued compliance with the Order of Probation entered in Case No. H9500607 entered on December 22, 1995.

2. Respondent agrees that if, at any time during the term of her probation she violates the terms and conditions of the Judgment of Conviction, Order Suspending Execution of Judgment and Order of Probation, a copy of which is attached hereto, Respondent hereby agrees to immediately relinquish her license upon receipt of a notice executed by the Chief of the Bureau of Occupational Licenses requesting the same.

3. Respondent agrees to make available to the Board or their authorized representative copies of any probation reports, and further agrees that she will submit a written report annually to the Board setting forth her compliance with the Probation Order. Respondent's first report shall be due to the Board one year from the effective date of this Consent Order. Respondent shall continue to submit such annual reports to the Board so long as Respondent is on probation in Case No. H9500607 and Respondent is a licensee of the Board.

4. Respondent agrees to perform cosmetology services on minors under the age of seventeen (17) years only in the presence of another responsible adult over the age of eighteen (18) years for the balance of the Respondent's term of probation.

IV.

1. It is hereby agreed between the parties that this settlement agreement shall be presented to the Board with a recommendation for approval from the Attorney General's office at the next regularly-scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept or reject this settlement agreement, and if rejected by the Board, a formal complaint may be filed against the Respondent.


Respondent hereby agrees to waive any right she may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this settlement agreement is rejected.

3. If the settlement agreement is not accepted by the Board, it shall be regarded as null and void. Admissions by the Respondent in the settlement agreement will not be regarded as evidence against her at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

I have read the above stipulation fully. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I also understand that by its terms the Idaho State Board of Cosmetology will issue an Order on this stipulation whereby my license to practice cosmetology will be conditioned, subject to the above delineated terms. I agree to the above stipulation for settlement.

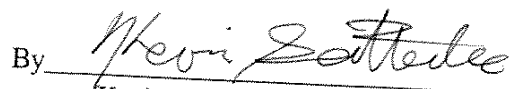
DATED this 13 day of SEPT, 1996.


Shannon L. Behm
Respondent

I concur in this stipulation and order.

DATED this ^{17th} ~~13~~ day of ~~Sept~~ September, 1996.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 
Kevin D. Satterlee
Deputy Attorney General

Pursuant to Idaho Code § 54-816, the foregoing is adopted as the decision of the Board of Cosmetology in this matter and shall be effective on the 7th day of October, 1996. **IT IS SO ORDERED.**

NSM

IDAHO STATE BOARD OF COSMETOLOGY

By *Carol Martin*
Carol Martin
Chairperson